UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,922	04/27/2001	Fumito Takemoto	2091-0241P	8395

2292 7590 04/30/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747	**EXAMINER** HANNETT, JAMES M

ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/30/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/842,922	TAKEMOTO, FUMITO
	Examiner	Art Unit	
	James M. Hannett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/29/2007 have been fully considered but they are not persuasive. The applicant has amended the claim to state "modifying features and characteristics of the image" The applicant argues that Haragushi does not teach two separate processing conditions. The applicant further argues that the examiners interpretation that the resolution conversion processing corresponds to the default processing condition is incorrect. The applicant argues that resolution conversion does not modify features and characteristics of the image. The applicant argues that image size is not a characteristic of the image itself.

The examiner strongly disagrees with the applicant. The examiner asserts that image size and resolution can be viewed as characteristics of an image. The examiner points out that the claim is written broadly and merely claims modifying features and characteristics of the image and does not specify what features and characteristics are being modified.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., modifying features and characteristics of the image wherein the features and characteristics are color enhancement and tone control) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1:   Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,222,613

Haraguchi et al.

2:   As for Claim 1, Haraguchi et al teaches on Column 10, Lines 62-67 and Column 11,

Lines 1-17 an image processing method for obtaining processed image data by carrying out

image processing on image data obtained by a digital camera according to default processing

conditions and processing conditions corresponding to a model of the digital camera, the image

processing method comprising the step of: customizing the processing conditions corresponding

to the model of the digital camera. Haraguchi et al teaches in Figure 7 and on Column 11, Lines

22-40 the use of manual controls (8a), which allow a user to manually manipulate the image

displayed on the display. Haraguchi et al teaches on Column 11, Lines 1-45 the use of a system

which has a list of processing conditions stored in memory. Haraguchi et al teaches that a list of

processing conditions exists for several types of digital cameras. Haraguchi et al teaches on

Column 11, Lines 24-26 that an image can be read by the image processing apparatus having

data attached to the image that specifies the type of digital camera used to capture the image.

Once the type of digital camera is determined, the image processing system finds the

corresponding set of processing conditions in memory and sets the processing conditions

accordingly. The examiner views the claim broadly and views the collection of processing

conditions based on a set of different types of digital cameras as a created menu that lists various

models of digital cameras. Furthermore, the image processing apparatus will determine the type

of digital camera automatically from the read image data and find the corresponding image processing conditions stored in the memory. This is viewed by the examiner as selection of a model of digital camera from the menu and automatically modifying the default processing conditions to the customized processing conditions created for the selected model of digital camera. Haraguchi et al teaches in the abstract and on Column 9, Lines 10-45 an image size converter converts the image size to a predetermined image size which is independent of both the fixed image size and the type of image inputting medium that inputs the image. Therefore, the examiner views the image size conversion process as performing a default processing wherein the processing (size conversion) is common to all digital cameras (independent of both the fixed image size and the type of image inputting medium). The examiner views image size and resolution as characteristics of an image

3:      In regards to Claim 2, Haraguchi et al teaches on Column 11, Lines 13-16 the processing conditions corresponding to the model of the digital camera include density correction processing conditions, and color correction processing conditions each corresponding to the model of the digital camera.

4:      As for Claim 3, Haraguchi et al teaches on Column 10, lines 62-67 the default processing conditions are customized by selection from customized default processing condition menus generated in advance. The default processing conditions are viewed by the examiner as the image processing steps that will be performed such as density and color processing. The customized default processing conditions are viewed as the color and density processing conditions that are customized according to the type of digital camera. Haraguchi et al teaches that the processing conditions are predetermined and stored in memory for each type of digital

camera. The stored list of processing conditions for each digital camera is viewed as menus generated in advance.

5:    In regards to Claim 4, Haraguchi et al teaches on Column 10, lines 62-67 and Column 11, Lines 1-30 the processing conditions corresponding to the model of the digital camera are customized by selection from customized model processing condition menus generated in advance. The customized default processing conditions are viewed as the color and density processing conditions that are customized according to the type of digital camera. Haraguchi et al teaches that the processing conditions are predetermined and stored in memory for each type of digital camera. The stored list of processing conditions for each digital camera is viewed as menus generated in advance.

6:    As for Claim 5, Haraguchi et al teaches on Column 10, Lines 62-67 and Column 11, Lines 1-17 and in Figure 5 an image processing apparatus for obtaining processed image data by carrying out image processing on image data obtained by a digital camera according to default processing conditions and processing conditions corresponding to a model of the digital camera. The default processing conditions are viewed by the examiner as the image processing steps that will be performed such as density and color processing. The processing conditions corresponding to a model of the digital camera are viewed as the color and density processing conditions that are customized according to the type of digital camera. Haraguchi et al teaches the image processing apparatus comprising: Haraguchi et al teaches default processing condition setting means for customizing the default processing conditions. The default processing condition setting means is viewed by the examiner as the circuitry and software that enables the processing conditions to be modified according to the stored image processing conditions for each type of

digital camera stored in memory (73). Haraguchi et al teaches model processing condition setting

means for customizing the processing conditions corresponding to the model of the digital

camera. Haraguchi et al teaches image processing means (70) for carrying out the image

processing based on the default processing conditions (73) set by the default processing

condition setting means and the processing conditions corresponding to the model of the digital

camera set by the model processing condition setting means. Haraguchi et al teaches in Figure 7

and on Column 11, Lines 22-40 the use of manual controls (8a), which allow a user to manually

manipulate the image displayed on the display. Haraguchi et al teaches on Column 11, Lines 1-

45 the use of a system which has a list of processing conditions stored in memory. Haraguchi et

al teaches that a list of processing conditions exists for several types of digital cameras.

Haraguchi et al teaches on Column 11, Lines 24-26 that an image can be read by the image

processing apparatus having data attached to the image that specifies the type of digital camera

used to capture the image. Once the type of digital camera is determined, the image processing

system finds the corresponding set of processing conditions in memory and sets the processing

conditions accordingly. The examiner views the claim broadly and views the collection of

processing conditions based on a set of different types of digital cameras as a created menu that

lists various models of digital cameras. Furthermore, the image processing apparatus will

determine the type of digital camera automatically from the read image data and find the

corresponding image processing conditions stored in the memory. This is viewed by the

examiner as selection of a model of digital camera from the menu and automatically modifying

the default processing conditions to the customized processing conditions created for the selected

model of digital camera. Haraguchi et al teaches in the abstract and on Column 9, Lines 10-45 an

image size converter converts the image size to a predetermined image size which is independent of both the fixed image size and the type of image inputting medium that inputs the image. Therefore, the examiner views the image size conversion process as performing a default processing wherein the processing (size conversion) is common to all digital cameras (independent of both the fixed image size and the type of image inputting medium). The examiner views image size and resolution as characteristics of an image

7:      In regards to Claim 6, Haraguchi et al teaches compensating parameters for different cameras are stored in the processor in advance. Haraguchi et al teaches that these parameters can be used if an image comes in that was taken by a particular camera. It is inherent in the system of Haraguchi et al that the compensating parameters have a name. If they didn't, they could not be selectively read out.

8:      As for Claim 7, Haraguchi et al teaches on Column 11, Lines 13-16 the processing conditions corresponding to the model of the digital camera include density correction processing conditions, and color correction processing conditions each corresponding to the model of the digital camera.

9:      In regards to Claim 8, Haraguchi et al teaches on Column 10, lines 62-67 the default processing conditions are customized by selection from customized default processing condition menus generated in advance. The default processing conditions are viewed by the examiner as the image processing steps that will be performed such as density and color processing. The customized default processing conditions are viewed as the color and density processing conditions that are customized according to the type of digital camera. Haraguchi et al teaches that the processing conditions are predetermined and stored in memory for each type of digital

camera. The stored list of processing conditions for each digital camera is viewed as menus

generated in advance.

10:      As for Claim 9, Haraguchi et al teaches on Column 10, lines 62-67 and Column 11, Lines

1-30 the model processing condition setting means sets the processing conditions corresponding

to the model of the digital camera by selection from customized model processing condition

menus generated in advance. The customized default processing conditions are viewed as the

color and density processing conditions that are customized according to the type of digital

camera. Haraguchi et al teaches that the processing conditions are predetermined and stored in

memory for each type of digital camera. The stored list of processing conditions for each digital

camera is viewed as menus generated in advance.

11:      In regards to Claim 10, Haraguchi et al teaches on Column 10, Lines 62-67 and Column

11, Lines 1-17 a computer readable recording medium storing a program to cause a computer to

execute an image processing method for obtaining processed image data by carrying out image

processing on image data obtained by a digital camera according to default processing conditions

and processing conditions corresponding to a model of the digital camera, the program

comprising the procedure of: Customizing the processing conditions corresponding to the model

of the digital camera. Haraguchi et al teaches in Figure 7 and on Column 11, Lines 22-40 the use

of manual controls (8a), which allow a user to manually manipulate the image displayed on the

display. Haraguchi et al teaches on Column 11, Lines 1-45 the use of a system which has a list of

processing conditions stored in memory. Haraguchi et al teaches that a list of processing

conditions exists for several types of digital cameras. Haraguchi et al teaches on Column 11,

Lines 24-26 that an image can be read by the image processing apparatus having data attached to

the image that specifies the type of digital camera used to capture the image. Once the type of

digital camera is determined, the image processing system finds the corresponding set of

processing conditions in memory and sets the processing conditions accordingly. The examiner

views the claim broadly and views the collection of processing conditions based on a set of

different types of digital cameras as a created menu that lists various models of digital cameras.

Furthermore, the image processing apparatus will determine the type of digital camera

automatically from the read image data and find the corresponding image processing conditions

stored in the memory. This is viewed by the examiner as selection of a model of digital camera

from the menu and automatically modifying the default processing conditions to the customized

processing conditions created for the selected model of digital camera. Haraguchi et al teaches in

the abstract and on Column 9, Lines 10-45 an image size converter converts the image size to a

predetermined image size which is independent of both the fixed image size and the type of

image inputting medium that inputs the image. Therefore, the examiner views the image size

conversion process as performing a default processing wherein the processing (size conversion)

is common to all digital cameras (independent of both the fixed image size and the type of image

inputting medium). The examiner views image size and resolution as characteristics of an image

12:     As for Claim 11, Haraguchi et al teaches on Column 10, Lines 62-67 and Column 11,

Lines 1-17 an image processing condition setting method for setting image processing conditions

used for carrying out image processing on image data obtained by a digital camera, the image

processing condition setting method comprising the step of: Customizing processing conditions

corresponding to a model of the digital camera. Haraguchi et al teaches in Figure 7 and on

Column 11, Lines 22-40 the use of manual controls (8a), which allow a user to manually

manipulate the image displayed on the display. Haraguchi et al teaches on Column 11, Lines 1-

45 the use of a system which has a list of processing conditions stored in memory. Haraguchi et

al teaches that a list of processing conditions exists for several types of digital cameras.

Haraguchi et al teaches on Column 11, Lines 24-26 that an image can be read by the image

processing apparatus having data attached to the image that specifies the type of digital camera

used to capture the image. Once the type of digital camera is determined, the image processing

system finds the corresponding set of processing conditions in memory and sets the processing

conditions accordingly. The examiner views the claim broadly and views the collection of

processing conditions based on a set of different types of digital cameras as a created menu that

lists various models of digital cameras. Furthermore, the image processing apparatus will

determine the type of digital camera automatically from the read image data and find the

corresponding image processing conditions stored in the memory. This is viewed by the

examiner as selection of a model of digital camera from the menu and automatically modifying

the default processing conditions to the customized processing conditions created for the selected

model of digital camera. Haraguchi et al teaches in the abstract and on Column 9, Lines 10-45 an

image size converter converts the image size to a predetermined image size which is independent

of both the fixed image size and the type of image inputting medium that inputs the image.

Therefore, the examiner views the image size conversion process as performing a default

processing wherein the processing (size conversion) is common to all digital cameras

(independent of both the fixed image size and the type of image inputting medium). The

examiner views image size and resolution as characteristics of an image

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2622

JMH
April 18, 2007